

## REMARKS/ARGUMENTS

**I. Status of the Application**

Upon entry of this amendment, claims 36-71 are pending in the present Application. In an Office Action mailed on September 13, 2007, the Examiner rejected claims 1-35 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 7,055,111 (hereinafter “**Scheessele**”) in view of U.S Patent Publication US2003/0023745 (hereinafter “**Noe**”).

**II. The Cited References**

The **Scheessele** reference discloses a method that determines a download time to download accumulated data from a device. The device is polled and if the device is busy, the download is attempted at another time.

The **Noe** reference discloses a method for managing the transfer of a file from a networked device to a client system. The method monitors the utilization of a network connection and adjusts the amount of data received.

**III. Rejections Under 35 U.S.C. § 103(a)**

In Point #2 of the Office Action, the Examiner rejected claims 1-35 under 35 U.S.C. §103(a) as being unpatentable over **Scheessele** in view of **Noe**. For the purposes of clarity and ease of understanding, Applicants herein cancel claims 1-35 and incorporate the subject matter of claims 1-35 into new claims 36-71. No new matter is added by way of the new claims 36-71. Applicants respectfully submit that for the following reasons claims 36-71 are allowable under 35 U.S.C. §103(a).

To establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Furthermore, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants’ disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

**Independent Claim 36**

Applicants herein add new independent claim 36 which incorporates the subject matter of original claim 1. For example, claim 36 recites the following claim limitations.

*“receiving one or more registrations, wherein each registration comprises a set of criteria for transferring data”*

Specification Support, for instance in paragraph [0025]

*“recognizing a communication link”*

Specification Support, for instance in paragraph [0024]

*“identifying selected registrations whose associated set of criteria has been met”*

Specification Support, for instance in paragraph [0027]

*“assigning priority indicators to the selected registrations”*

Specification Support, for instance in paragraph [0028]

*“initiating a transfer over the communication link to transfer data associated with the selected registrations based on the priority indicators”*

Specification Support, for instance in paragraph [0027]

Applicants submit that the **Scheessele** and **Noe** references, taken alone or in any proper combination, fail to disclose or suggest all of the recited limitations of claim 36. For example, the **Scheessele** reference discloses a method that determines a download time to download accumulated data from a device, and the **Noe** reference discloses a method for managing the transfer of a file from a networked device to a client system. However, the **Scheessele** and **Noe** references, taken alone or in any proper combination, fail to disclose or suggest the operations of *receiving, identifying, assigning, or initiating* as recited in claim 36.

Therefore, because the **Scheessele** and **Noe** references fail to disclose or suggest all of the claim limitations of claim 36, Applicants respectfully submit that claim 36 is allowable under 35 U.S.C. §103(a).

#### Dependent Claims 37-44

Applicants herein add new dependent claims 37-44 that depend from independent claim 36. Claims 37-44 are allowable for at least the same reasons as the independent claim 36. If an

independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2D 1071, 1076, 5 USPQ.2d 1596 (Fed. Cir. 1988).

Accordingly, Applicants respectfully submit that dependent claims 37-44 are allowable under 35 U.S.C. §103(a).

Independent Claims 45, 54, and 63

Applicants herein add new independent claims 45, 54, and 63 that recite limitations similar to those of claim 36. In accordance with the arguments presented above with regards to claim 36, the **Scheessele** and **Noe** references fail to disclose or suggest all of the recited limitations of the new independent claims 45, 54, and 63. Accordingly, Applicants respectfully submit that independent claims 45, 54, and 63 are allowable under 35 U.S.C. §103(a).

Dependent Claims 46-53, 55-62, and 64-71

Applicants herein add new dependent claims 46-53, 55-62, and 64-71 that depend from independent claims 45, 54, and 63, respectively. Claims 46-53, 55-62, and 64-71 are allowable for at least the same reasons as their respective independent base claims. If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2D 1071, 1076, 5 USPQ.2d 1596 (Fed. Cir. 1988).

Accordingly, Applicants respectfully submit that dependent claims 46-53, 55-62, and 64-71 are allowable under 35 U.S.C. §103(a).

**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicants submit that no new matter has been entered by way of this amendment and that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are respectfully requested. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: 12/13/2007

By: /Kristine U. Ekwueme/  
Kristine U. Ekwueme, Reg. No. 56,344  
(858) 658-1901

QUALCOMM Incorporated  
5775 Morehouse Drive  
San Diego, California 92121  
Telephone: (858) 658-1901  
Facsimile: (858) 658-2502